

**Special Meeting Agenda  
Tuesday, December 23, 2008  
1:00 PM**

**BOARD OF SUPERVISORS  
Maricopa County, Arizona  
(and the Boards of Directors of the Flood Control  
District, Library District, Stadium District, Improvement  
Districts, and/or Board of Deposit)**



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

**Board Members**

Andrew Kunasek, District 3, Chairman  
Max Wilson, District 4, Vice Chairman  
Fulton Brock, District 1  
Don Stapley, District 2  
Mary Rose Wilcox, District 5

**County Manager**

David Smith

**Clerk of the Board**

Fran McCarroll

**Meeting Location**

Supervisors' Conference Room  
301 W. Jefferson, 10th Floor  
Phoenix, AZ 85003

Agendas are available at least 24 hours prior to each meeting in the Office of the Clerk of the Board, 301 West Jefferson, Tenth Floor, Phoenix, Arizona, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and on the internet at [http://www.maricopa.gov/Clk\\_board/Agendas.aspx](http://www.maricopa.gov/Clk_board/Agendas.aspx). One or more Board members may attend telephonically. Board members attending telephonically will be announced at the meeting. The Board may vote to recess into an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. §38-431.03(A)(3). Accommodations for individuals with disabilities, including alternative format materials, sign language interpretation, and assistive listening devices are available upon 72 hours' advance notice through the Office of the Clerk of the Board, 301 West Jefferson Avenue, Tenth Floor, Phoenix, Arizona 85003, (602) 506-3766, Fax (602) 506-6402, TDD (602) 506-2348. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request.

## **BOARD OF SUPERVISORS**

### **County Manager**

1. Approve a motion by the Board of Supervisors to take back its authority to direct and control the prosecution, defense and compromise of all civil legal actions to which the County is a party or has an interest by: (1) directly hiring and managing all legal counsel for the purpose of defending, initiating, prosecuting and compromising all civil legal actions and litigation to which the County is a party or has an interest; (2) delegating such hiring and management to the County Manager; (3) directing the County Manager to take any such steps as are needed to implement this action (for instance, establishing a review committee that makes recommendations to the County Manager for cost efficient or otherwise improved litigation management practices and procedures) and manage the transition from the present method of hiring and managing legal counsel to a new method approved by the County Manager; (4) appointing Shughart, Thomson & Kilroy, PC, previously appointed by the Board on December 5, 2008, as its Special Counsel for the filing of any actions necessary as a result of any conflict with the County Attorney, and to provide all necessary legal advice related to the conflict of interest issue, to now provide all necessary legal advice and support required by the Board of Supervisors and/or County Manager to implement and defend the action taken by the Board of Supervisors regarding this Agenda item; and (5) authorizing the County Manager to appoint additional legal counsel as needed to implement and defend the action taken by the Board of Supervisors regarding this Agenda item. (C-20-09-040-3-00) **(APPROVED)**
2. Approve a motion by the Board of Supervisors to: approve revisions to the Specialty Legal Services Providers – County Attorney Contract, 08038-ROQ ("Contract"), as

described in this Agenda Item and in the agreement presented to the Board for consideration as an attachment to this Agenda Item, and to direct the County Manager to amend any other contracts or legal documents that the County Manager subsequently determines must be amended in order to further or otherwise facilitate any action authorized by the Board of Supervisors relating to Item Nos. 1 and 3 on this same Agenda. Specifically, the County Manager is directed to amend any contracts or documents, and to take any other actions that are necessary to carry out the Board's action taken regarding Agenda Item No. 1, above, so that the assignment of litigation matters is directed and controlled by the Board of Supervisors, and to do all other things necessary to carry out and implement that authorization, including conveying written contract amendments to outside counsel for acceptance and agreement, and evaluating whether it is appropriate to terminate any litigation assignment(s), as provided in Paragraph 27 of the Contract. (C-20-09-041-3-00) **(APPROVED)**

3. Approve a motion by the Board of Supervisors to amend the Restated Declaration of Trust for Maricopa County, Arizona Self-Insured Trust Fund, dated May 18, 2006, so that the Restated Declaration of Trust conforms to the Board's action taken regarding Item No. 1 of this Agenda. The County Manager shall have prepared a formal amendment for presentation to the Administrator and to any other persons identified by the County Manager. After a reasonable period for review and consultation, the County Manager shall present a formal Restated Declaration of Trust to the Board of Supervisors. Pending enactment of such formal Restated Declaration of Trust, this motion shall be deemed an amendment to the Trust and shall be adhered to and interpreted consistent with the intent expressed in this Agenda item, and in a manner consistent with the intentions stated and action taken in Agenda Item No. 1, above.

In the interim and pending receipt of a formal Restated Declaration of Trust by the County Manager, the Restated Declaration of Trust dated May 18, 2006 shall be regarded as amended on an interim basis to reflect the revisions contained in the attachment to this Agenda Item No. 3. (C-20-09-042-3-00) **(APPROVED)**